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U.S. DISTRICT COURT
CHARLESTON, SCIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

DEC -4 A 8:41

Robert J. Caprood, #199227,) C. A. No. 2:01-2506-RBH-RSC
)
 Plaintiff,)
)
 -versus-) **REPORT AND RECOMMENDATION**
)
State of South Carolina, et)
al.)
)
 Defendants.)

This is an action brought by an inmate of the South Carolina Department of Corrections pursuant to 42 U.S.C. § 1983 alleging that the defendants violated his constitutional rights in requiring him to submit a blood sample under the South Carolina DNA Act and pay a \$250 fee required by the statute. On October 23, 2007, the plaintiff was directed to advise the court whether he wished to go forward with this action given its age and recent decisions of the court.

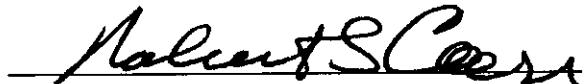
Subsequently the Order mailed to the plaintiff's address of record, but was returned as undeliverable.

On October 26, 2000, shortly after this action was removed to this court, the plaintiff was advised by the undersigned, "You are ordered to always keep the Clerk of Court advised in writing (Post Office Box 835, Charleston, South Carolina 29402) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet

will be received by you. If as a result of your failure to comply with this order, you fail to file something you are required to file within a deadline set by a District Judge or a Magistrate Judge, your case may be dismissed for violating this order. Therefore if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address. Your failure to do so will not be excused by the court." (Docket # 8).

Since it appears that the above named plaintiff has not kept the court advised of his address, it is appropriate and necessary to dismiss this action.

NOW THEREFORE, IT IS RECOMMENDED that, because of the plaintiff's failure to keep the court advised of his proper mailing address as previously ordered by the court, this action be dismissed.


ROBERT S. CARR
UNITED STATES MAGISTRATE JUDGE

Charleston, South Carolina

December 1, 2007

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court judge need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
P.O. Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985).